

United States District Court

SOUTHERN DISTRICT OF NEW YORK

SHARON LAFIA

Plaintiffs

—v—

**NEW YORK CITY, BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW YORK, A/K/A THE
NEW YORK CITY DEPARTMENT OF EDUCATION, JEFFREY
EUSTACHE IN HIS INDIVIDUAL AND IN HIS OFFICIAL CAPACITY,
PRINCIPAL INDIRA MOTA, IN HER INDIVIDUAL AND IN HER OFFICIAL
CAPACITY, LINDSAY CICILLINI, IN HER INDIVIDUAL AND IN HER
OFFICIAL CAPACITY, NEW YORK CITY LAW DEPARTMENT,
FORMER NEW YORK CITY LAW DEPARTMENT ATTORNEY BRITTNEY
JORDAN FINDER, IN HER INDIVIDUAL AND IN HER OFFICIAL CAPACITY,
AND JOHN AND JANE DOES Nos. 1-10;**

Defendants,

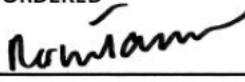
RULE 26(f) REPORT

CORY H. MORRIS (CM 5225)
THE LAW OFFICES OF CORY H. MORRIS
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The parties' application is DENIED. Discovery remains stayed pursuant to Judge Gardephe's Order of June 22, 2023 (ECF 53).

Date: December 19, 2023
New York, NY

SO ORDERED



ROBYN F. TARNOFSKY
UNITED STATES MAGISTRATE JUDGE

RULE 26(f) JOINT STATEMENT

Pursuant to Rule 26(f) of the *Federal Rules of Civil Procedure*, on December 18, 2023, a meeting was held via teleconference between:

CORY H. MORRIS, and

CATHRYN A. HARRIS

Attorney for the Plaintiffs

Steven DiSiervi

Attorneys for the Defendants

1. **Settlement.** The parties have discussed settlement of this matter, but no settlement agreement has been reached. Plaintiffs have made a good faith settlement demand.

Defendants have made no offer and await discussion with his clients for further advisement as to the possibility of settlement negotiations. A mandatory mediation was held, no offer was made and no settlement was reached.

2. **Initial Disclosures.** Plaintiffs plan on serving their initial disclosures on or before January 18, 2023. Defendants will serve their initial disclosures on or before January 18, 2023.

3. **Discovery.** Plaintiffs served a Litigation Hold Notice at the outset of noticed litigation and posted the same to the record.

After meeting and conferring, both parties agree to have discovery served/responded to within sixty (60) days or February 18, 2023.

4. The parties agree that no modifications to the Federal Rules of Civil Procedure or local rules of civil procedure are required.

5. The parties have agreed to a proposed scheduling order attached as Exhibit A.
6. **Electronically Stored Information.** The parties have agreed to preserve electronic discovery. Plaintiff served a Notice of Litigation Hold Notice. The parties **do/do not** agree on the form in which electronically stored information shall be produced. Plaintiffs' position is that ESI should be produced in searchable portable document format (PDF) and/or native format.
7. **Privileged information.** Certain documents may be privileged or contain privileged information. The parties will confer on the terms of an appropriate protective order to protect confidential and/or privileged information that may be exchanged and/or inadvertently disclosed during the course of discovery after such documents have been identified. The parties shall file the appropriate motion with the Court for approval of any protective order.

Specifically, the parties conferred concerning student educational records and protected health information of both sides.

8. **Delivery of Motions and Pleadings.** The parties agree that a notice of electronic filing through the Court's PACER system shall be sufficient for both service and delivery of the motion on the date filed. The parties further agree to electronically serve each other with filings, by attaching them to emails addressed to all counsel of record.

DATED: DECEMBER 18, 2023

LAW OFFICES OF CORY H. MORRIS

Cory H. Morris /s/
By: _____
Cory H. Morris (CM5225)
Attorneys for Plaintiff
863 Islip Avenue
Central Islip NY 11722

Abrams, Gorelick, Friedman & Jacobson, LLP

By: _____
Steven DiSiervi
Abrams, Gorelick, Friedman & Jacobson, LLP
Attorneys for Defendants
One Battery Park Plaza, 4th Floor
New York, New York 10004
Direct Line: (212) 419-8752
Main Phone: (212) 422-1200
Fax: (212) 968-7573

CERTIFICATE OF SERVICE

I hereby certify that on the 18 day of December, 2023, I caused a true and correct copy of the **Joint Report of Rule 26(f) Conference** to be served on all counsel of record by posting to the Electronic Filing in the above case.

/S/

CORY H. MORRIS
Attorney for the Plaintiff

United States District Court

SOUTHERN DISTRICT OF NEW YORK

SHARON LAFIA

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JORDAN FINDER, IN HER INDIVIDUAL AND IN HER OFFICIAL CAPACITY,
AND JOHN AND JANE DOES Nos. 1-10;**

Defendants,

PROPOSED DISCOVERY PLAN

Pursuant to the Federal Rules of Civil Procedure 26(f), the parties agree to the following Joint Proposed Discovery Plan and Scheduling Order:

1. All fact depositions must be completed by: September 18, 2024
2. All expert discovery must be completed by: December 18, 2024
 - a. Expert disclosures pursuant to Rule 26 shall be made by: October 18, 2024
 - b. Rebuttal expert disclosures pursuant to Rule 26 shall be made by:
3. All discovery, including expert discovery, must be completed by: December 18, 2024
4. Submission of pre-motion letters regarding dispositive motions by: January 18, 2024
5. Submission of Joint Pre-trial Order by: As per Court's Rules
6. A Pre-trial Conference shall be held on:

Dated: December 18, 2023

LAW OFFICES OF CORY H. MORRIS

By: Cory H. Morris /s/
Cory H. Morris (CM5225)
Attorneys for Plaintiff
863 Islip Avenue
Central Islip NY 11722

Abrams, Gorelick, Friedman & Jacobson, LLP

By: Steven DiSiervi
Abrams, Gorelick, Friedman & Jacobson, LLP
Attorneys for Defendants
One Battery Park Plaza, 4th Floor
New York, New York 10004
Direct Line: (212) 419-8752
Main Phone: (212) 422-1200

SO ORDERED:

Date: _____

Honorable Robyn F. Tarnofsky
United States Magistrate Judge

CHECKLIST FOR THE COURT

A. Initial Disclosures: Counsel confirm that the Initial Disclosures have been served:

Plaintiff: Defendants:

Yes X No

B. **Stipulation and Order of Confidentiality:** Counsel confirm that they have consulted in good faith regarding the need for such an order:

X Yes _____ No _____

Based on that consultation, counsel find that a Stipulation and Order of Confidentiality is:

X Needed (insofar as juvenile/special education records are concerned)

Not Needed

C. Electronically Stored Information (“ESI”): Counsel confirm that they have met and conferred regarding the existence of any relevant ESI on both sides:

X Yes No

The parties have had some preliminary discussion about the type of ESI which is in their clients' respective possession or control and how they wish to have such ESI produced:

X Yes No

Based on these discussions, counsel are advising the Court that the relevant ESI consists of:

1. Email communications;
2. Data retrieval from Defendants of Plaintiffs' cellular phone;
3. Phone/Electronic/Text message data in native format;
4. Video/Audio to the extent it exists;

D. HIPAA Release Authorizations: Counsel confirm that such authorizations for this case are:

Needed Not Needed

SO ORDERED:

Dated:

New York, New York

Hon. Robyn F. Tarnofsky
United States Magistrate Judge